

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/017,640	MATZ ET AL.
	Examiner Jonathan Ouellette	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/22/2006.
2.  The allowed claim(s) is/are 1-3, 5-11, 16-22, 43, 44 and 49-55.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 20060724
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 20060919.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The Request filed on 9/22/2006 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/017,640 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. Claims 4, 12-15, 23-42, and 45-48 have been cancelled, and Claims 49-55 have been added; therefore, Claims 1-3, 5-11, 16-22, 43, 44, and 49-55 are currently pending in application 10/017,640.

### ***Claim Rejections - 35 USC § 102***

3. The rejections of Claims 1-2, 6-13, 15-22, 32-44, 47, and 48 under 35 U.S.C. 102(e) as being anticipated by Boe et al. (US 6,236,975 B1) are withdrawn due to Applicant's amendments.

### ***Claim Rejections - 35 USC § 103***

4. The rejection of Claims 3 and 5 under 35 U.S.C. 103 as being unpatentable over Boe, are withdrawn due to Applicant's amendments.

### ***Allowable Subject Matter***

5. **Claims 1-3, 5-11, 16-22, 43, 44, and 49-55 are allowed.**

6. The following is an examiner's statement of reasons for allowance:
7. As per **independent Claims 1, 16, and 17**, the prior art does not teach or suggest a method (computer-readable medium, system) for identifying a subscriber as desirable to receive an advertisement based on information relating the subscriber's use of media programming delivered to the subscriber by a media delivery network, comprising: collecting subscriber data about the subscriber's use of the media programming, collecting the subscriber data comprising: i) identifying a command of interest from the subscriber; ii) forming an event record that comprises the command of interest and a time associates with the command of interest; transmitting the event record to a merge processor; merging the event record with data describing the media programming delivered over the media delivery network to form event timelines which describe the programming selected by the subscriber over a period of time; matching data from the event timeline with at least one relevant criteria describing which subscribers are desirable for receiving the advertisements; and if data from the event timelines matches the at least one relevant criteria, then identifying the subscriber as a desirable subscriber to receive the advertisement.
8. **Boe et al. (US 6,236,975 B1)** discloses a method (computer-readable medium, system) for utilizing information relating to a subscriber to identify said subscriber (C3 L23-43, profile generation and target marketing) comprising: receiving data from a plurality of programming (C3 L23-30, Internet survey system – demographic data, survey response, customer requests, customer) and advertising sources (C4 L30-38, business system); receiving subscriber data about a subscriber's use of the programming and advertising sources, the subscriber data comprising: i) a command of interest from the subscriber (Fig.3-4a, C9 L-9-30, Customer

accessing business system, accessing survey system, and answering demographic survey questions are all commands of interest); ii) an event record that comprises a command of interest and a time associates with the command of interest (Fig.5a, C9 L23-27, C9 L55-61, answers to demographic survey questions are saved along with time stamp; time stamp necessary to determine last demographic data update); receiving a subscriber attribute (C3 L23-43, survey results and demographics), the subscriber attribute comprising data about the subscriber (C3 L23-43, survey results and demographics); merging said data from said plurality of programming and advertising sources, said subscriber data, and said subscriber attribute to create a subscriber information data store (C5 L39-54, Matching Database Tables); matching data of said subscriber information data store with an advertisement attribute comprising product data about a product (C6 L47-67, Matching Database/Page Generator); and if data of said subscriber information data store matches an advertisement attribute, then identifying said subscriber as a desirable subscriber to receive a selected advertisement from a provider of said product (C6 L47-67, Matching Database/Page Generator, matches advertisements to customer profile information – equivalent to identifying desirable subscriber to receive a selected advertisement from a provider of said product).

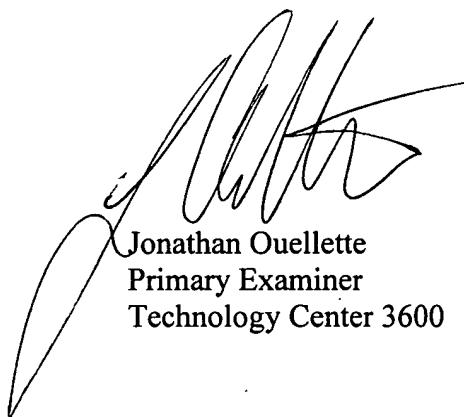
9. The remaining dependent **Claims 2, 3, 5-11, 18-22, 43, 44, and 49-55** are considered allowable, as they are dependent and based off of an allowable independent claim.
10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

September 26, 2006



Jonathan Ouellette  
Primary Examiner  
Technology Center 3600